

IN RE: PETITION FOR SPECIAL EXCEPTION
SE/S Pulaski Highway, 695' SW
of Mohrs Lane
(9919 Pulaski Highway)
15th Election District
6th Councilmanic District
The Price Company
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-407-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to use a portion of the subject property for a service garage to amend the previously approved site plan in Case No. 87-414-X as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Laura Hoffmann, Marketing Manager, and Tony Nelson, Manager, Tire Garage, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing and testifying on behalf of the Petition was Joe DiMarino with Landtech. There were no Protestants.

Testimony indicated that the subject property, known as 9919 Pulaski Highway, consists of 18.03 acres, split zoned M.L.-C.S.-1 and M.L.-I.M., and is the site of the Price Club Membership Warehouse, herein-after referred to as "Price." Testimony indicated the property was the subject of prior Case No. 86-334-SPH in which its use as a wholesale operation was determined to be a permitted use in an M.L. zone. Petitioners thereafter requested a special exception in Case No. 87-414-X to establish a service garage on the property for a tire service operation solely for the benefit of Price members who purchased tires at its warehouse. Said request was approved on April 24, 1987 as an accessory use to the warehouse operation, subject to it being limited to the changing, mounting and balancing of tires for members of Price who purchased tires from Price.

Petitioners have filed the instant Petition to expand the use in response to requests by its customers to expand its service garage operations to include changing oil, installation of radios, and other related service station work. Testimony indicated that the operation would primarily serve the surrounding industrial area and uses. Testimony further indicated that the conditions delineated in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) will be met by this project.

Petitioners pointed out the favorable recommendation for approval of this project submitted by the Office of Planning, provided a revised CRG plan and a revised landscaping plan were submitted for approval. Further testimony indicated that Petitioners would comply with the requirements of DEPRM.

It is clear that the B.C.Z.R. permits the use proposed in the M.L. zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

Schultz v. Pritts, 432 A.2d 1319 (1981).

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The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of May, 1989 that the Petition for Special Exception to use a portion of the subject property for a service garage and to amend the previously approved site plan in Case No. 87-414-X, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit for review and approval by the Office of Current Planning a revised CRG plan and a revised landscaping plan.
- 3) Prior to the issuance of any building and/or use permits, Petitioner shall submit for approval by the Zoning Commissioner and/or Deputy Zoning Commissioner

- 3 -

a revised site plan which includes the requirements of the Zoning Office and sets forth and addresses the restrictions of this Order.

4) Petitioner shall comply with the requirements of the Department of Environmental Protection and Resource Management, Bureau of Water Quality, as set forth in their comments dated February 6, 1989, attached hereto and made a part hereof.

5) Patronage of the service garage shall be limited to Price members only.

6) All service work performed in the service garage shall be limited to light, mechanical work, including, but not limited to, tune-ups and oil changes.

6) No body or fender work shall be conducted on the premises.

7) At no time shall any vehicles be stored overnight on the premises; and,

IT IS FURTHER ORDERED that the terms and conditions of the Order issued June 11, 1986 in Case No. 86-334-SPH and the Order issued April 24, 1987 in Case No. 87-414-X shall remain in full force and effect, except as herein modified.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

- 4 -

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-407-X

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a service garage and to amend Zoning Commissioner Case No. 87-414X

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	The Price Company
Signature	Donald Howells
Address	(Type or Print Name) Vice-President, Land Acquisition & Real Estate
City and State	Signature
Attorney for Petitioner:	2657 Ariane Drive 619-581-4743
John B. Howard	Address Phone No.
(Type or Print Name)	San Diego, California 92117
Signature	City and State
10 Allegheny Avenue	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	John B. Howard, Esquire
Towson, Maryland 21204	Name 210 Allegheny Avenue
City and State	Towson, Maryland 21204
Attorney's Telephone No.: 823-4111	Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of April, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

S.C.O.-No. 1

(over)

LANDTECH CORPORATION

DESCRIPTION OF PROPERTY
SITUATED IN THE 15TH ELECTION DISTRICT
OF
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the easterly right-of-way line of PULASKI HIGHWAY, U.S. ROUTE 40, at a distance of 695.12 feet from the northeasterly intersection of MOHRS LANE; thence leaving said right-of-way

1. S 67° 32' 37" E, 1443.77 feet; thence
2. S 45° 20' 16" W, 667.55 feet; thence
3. N 48° 07' 45" W, 200.99 feet; thence
4. N 67° 32' 37" W, 1177.82 feet to a point on the aforesaid right-of-way line of PULASKI HIGHWAY; thence with same
5. N 40° 55' 53" E, 578.00 feet to the point of beginning

Containing 785,554 square feet or 18.03 Acres of land, more or less.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 287-3323

J. Robert Haines
Zoning Commissioner

May 8, 1989



Dennis F. Rasmussen
County Executive

RE: PETITION FOR SPECIAL EXCEPTION
SE/S Pulaski Highway, 695' SW of Mohrs Lane
(9919 Pulaski Highway)
15th Election District - 6th Councilmanic District
The Price Company - Petitioners
Case No. 89-407-X

Dear Messrs. Howard and Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING

TOWSON DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 3/24/89

Posted for: Special Exception

Petitioner: The Price Company

Location of property: SE/S Pulaski Hwy., 695' SW of Mohrs Lane, 9919 Pulaski Hwy.

Location of Sign: Price Club Membership Warehouse 15' E. of road, on property of R.A. Haines

Remarks: [Signature]

Posted by: [Signature] Date of return: 3/24/89

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 24, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 23, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN

Publisher

P010841
reg M27091
ca 89-407-X
price \$74.86

89-407-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of February, 1989

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Donald Howells, et al
Petitioner's Attorney: John B. Howard
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 085819

DATE: 1-26-89 ACCOUNT: R-01-615-000

AMOUNT \$ 100.00

RELIEVED FROM: Cook, Howard, Dwyer, Tracy
FOR: 11th Election District - 6th Councilmanic
Petitioner(s): The Price Company

VALIDATION OR SIGNATURE OF CASHIER
B 114*****85664 8175F

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 07610

DATE: 4/14/89 ACCOUNT: R-01-615-000

AMOUNT \$ 89.86

RECEIVED FROM: Cook, Howard, Dwyer, Tracy
FOR: P.A. 4-14-89/Hearing 89-407-X

VALIDATION OR SIGNATURE OF CASHIER
B 114*****85664 8175F

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 4-3-89



Dennis F. Rasmussen
County Executive

The Price Company
2657 Ariane Drive
San Diego, California 92117

ATTN: DONALD HOWELLS

Re: Petition for Special Exception
SES Pulaski Highway, 695' SW Mohr Lane
9919 Pulaski Highway
15th Election District - 6th Councilmanic
Petitioner(s): The Price Company
HEARING SCHEDULED: FRIDAY, APRIL 14, 1989 at 2:00 p.m.

Gentlemen:
Please be advised that \$89.86 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

cc: John B. Howard, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

March 7, 1989



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
SES Pulaski Highway, 695' SW Mohr Lane
9919 Pulaski Highway
15th Election District - 6th Councilmanic
Petitioner(s): The Price Company
HEARING SCHEDULED: FRIDAY, APRIL 14, 1989 at 2:00 p.m.

Special Exceptions A service garage and to amend Zoning Commissioner Case Number 87-414-X.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: The Price Company
John B. Howard, Esq.
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 21, 1989

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 317, Case No. 89-407-X
Petitioner: Donald Howells, et al
Petition for Special Exception

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 687-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Donald Howells

The Price Company
2657 Ariane Drive
San Diego, CA 92117



Maryland Department of Transportation
State Highway Administration

RECEIVED
FEB 6 1989

ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

ATTN: Mr. James Dyer

Re: Baltimore County
The Price Club
Zoning Meeting of 2-7-89
S/S Pulaski Highway
(Route 40-E) 695' West
of Mohr Lane
(Item #317)

Dear Mr. Haines:

After reviewing the submittal for a special exception for a service garage and to amend Zoning Commissioner Case No. 87-414X, we find the plan acceptable.

If you have any questions, please call Larry Brocato of this office at 333-150.

Very truly yours,

Gregory J. Mills, Jr.
Gregory J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:mas

cc: Land Tech
Mr. J. Ogle

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3334

March 1, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 290, 297, 298, 309, 310, 311, 315, 317, 319, 320, 321, & 323.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MS7/1ab

RECEIVED
MAR 3 1989

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2506
494-4500

Paul H. Rencie
Chief

February 14, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: The Price Club

Location: #9919 Pulaski Highway

Item No.: 317

Zoning Agenda: Meeting of February 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

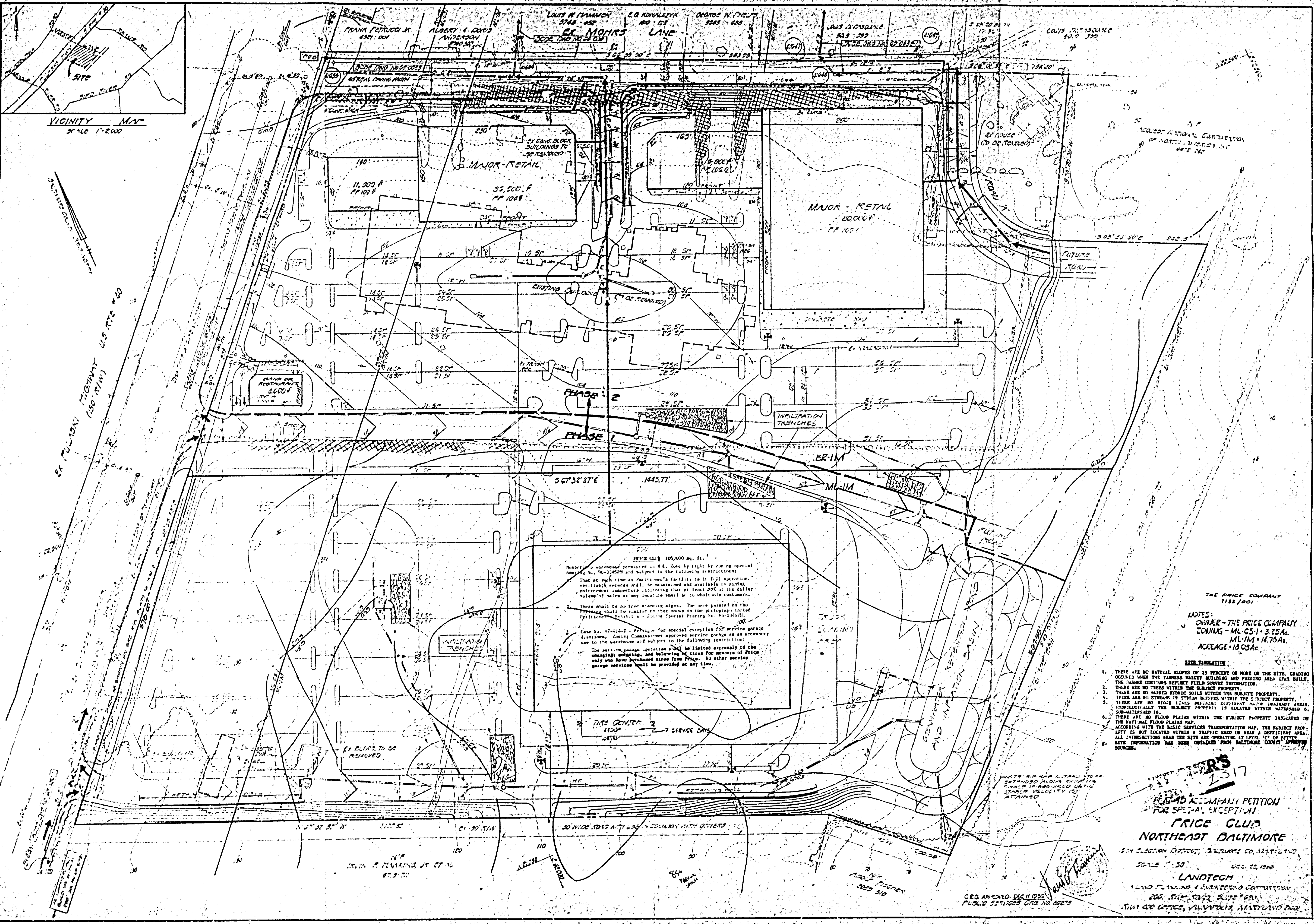
REVIEWER: *Paul H. Rencie*
Paul H. Rencie
Special Inspection Division

APPROVED: *James E. Dyer*
James E. Dyer
Fire Prevention Bureau

/s/

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



PHASE 1 105,600 sq. ft.
Memorandum permitted in R-1 Zone by right by zoning special hearing No. 80-33458 and subject to the following restrictions:
That at such time as Petitioner's facility is in full operation, vertically records (24) be maintained and available to zoning enforcement inspectors indicating that at least 85% of the dollar volume of sales at any location shall be to wholesale customers.
There shall be no free standing signs. The one point on the lotting shall be similar to that shown in the photograph marked Petitioner's Exhibit A - Zoning Special Hearing No. 80-33458.
Case No. 87-416-2 - Petition for special exception for service garage disallowed. Zoning Commission approved service garage as an accessory use to the warehouse and subject to the following restrictions:
The service garage operation shall be limited expressly to the changing, washing, and balancing of tires for members of Price only who have purchased tires from Price. No other service garage services shall be provided at any time.

THE PRICE COMPANY
1132/001
NOTES:
OWNER - THE PRICE COMPANY
ZONING - ML-65-1-3.25A
ML-1M-16.75A
ACCREAGE - 18.03A

- SITE INFORMATION**
1. THERE ARE NO NATURAL SLOPES OF 25 PERCENT OR MORE ON THE SITE. GRADING OCCURRED WHEN THE FARMERS MARKET BUILDING AND PARKING AREA WERE BUILT. THE DASHED CONTAINS REFLECT FIELD SURVEY INFORMATION.
 2. THERE ARE NO TREES WITHIN THE SUBJECT PROPERTY.
 3. THERE ARE NO MARKED HYDRAIC SOILS WITHIN THE SUBJECT PROPERTY.
 4. THERE ARE NO STREAMS OR STREAM BUFFERS WITHIN THE SUBJECT PROPERTY.
 5. THERE ARE NO RICE LINES BEHIND DIFFERENT MAJOR DRAINAGE AREAS. HYDROLOGICALLY THE SUBJECT PROPERTY IS LOCATED WITHIN WATERSHED 6, SUB-WATERSHED 16.
 6. THERE ARE NO FLOOD PLAINS WITHIN THE SUBJECT PROPERTY INDICATED ON THE NATIONAL FLOOD PLAIN MAP.
 7. ACCORDING WITH THE BASIC SERVICES TRANSPORTATION MAP, THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A TRAFFIC SEED OR NEAR A DEFICIENT AREA. ALL INTERSECTIONS NEAR THE SITE ARE OPERATING AT LEVEL 100 OF SERVICE. SITE INFORMATION HAS BEEN OBTAINED FROM BALTIMORE COUNTY APPROVED SOURCES.

1517
PLANNED ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
PRICE CLUB
NORTHEAST BALTIMORE
314 ELECTION DISTRICT, BALTIMORE CO, MARYLAND
SCALE 1"=50' DEC. 22, 1988
LANDTECH
1400 PULASKI & ENGINEERING CORPORATION
2001 FARM ROAD, SUITE 100
FARM ROAD OFFICE, BALTIMORE, MARYLAND 21206
REG APPROVED DEC 11 1988
PUBLIC SERVICES DIVISION 00223